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RACUNAS LAW LLC C/O INTELLEVEATE P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER ZIEGLE, STEPHANIE M	
			ART UNIT 3692	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rvr@racunaslaw.com

Office Action Summary

Application No.

10/697,850

Applicant(s)

BAKER ET AL.

Examiner

STEPHANIE ZIEGLE

Art Unit

3692

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the reply brief and amendment filed on 23 February 2009.
2. Claims 1, 13, and 21 have been amended.
3. Claims 1-35 are currently pending and have been examined.
4. This action is made FINAL.
5. The 101 rejection from the examiner's answer has been overcome by the amendment.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Drawings

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 514. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3692

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 512. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

9. Claim 1 recites the limitation "the system" in line 2. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 1 recites the limitations "the seller and the buyer" in line 4. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 13 recites the limitations "the seller and the buyer" in limitation 1 line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-2, 4-7, 9-11, 13-15, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by the WebCharity.com Webpage, hereinafter Webcharity.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 1:

Webcharity, as shown, discloses the following limitations:

- *An online marketplace system for providing logistics for a sale of one or more goods, the system being adapted to receive information from at least one remote seller and at least one remote buyer for serving as an intermediary between the seller and the buyer, to present a seller interface for receiving information from the seller comprising a seller identity and a description of*

the one or more goods, to present a listing of the one or more goods on behalf of the seller based on the information received from the seller, to present the buyer with a buyer interface comprising the listing that includes the description of the one or more goods while maintaining the seller identity confidential from the buyer, and to provide financial logistics and shipping logistics for completing the sale of the one or more goods, wherein: [See at least the page entitled How WebCharity Item Donation Work]

- the seller interface presents available options for the sale and receives option selections from the seller prior to presenting the listing and includes one or more options allowing the seller to select to donate at least a portion of funds received for the sale in exchange for the one or more goods to a third party designated by the seller, and [See at least the page entitled How WebCharity Item Donation Work]*
- the financial logistics include collecting funds for the sale from a financial service provider designated by the buyer, deducting a fee for use of the system from the funds collected for the sale, and transferring the portion of the funds for donation on behalf of the seller according to an option selection of the seller to a third party designated by the seller, without requiring interaction between the buyer and seller. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 2:

Webcharity, as shown, discloses all of the limitations of claim 1. Webcharity also discloses the following:

- wherein the third party comprises a charitable or nonprofit entity. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 4:

Webcharity, as shown, discloses all of the limitations of claim 1. Webcharity also discloses the following:

- *wherein the third party comprises a fundraising entity.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 5:

Webcharity, as shown, discloses all of the limitations of claim 2. Webcharity also discloses the following:

- *wherein said financial logistics comprises providing said entity with information regarding the seller sufficient to allow the entity to generate an acknowledgement for tax reporting purposes.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 6:

Webcharity, as shown, discloses all of the limitations of claim 1. Webcharity also discloses the following:

- *wherein the system is adapted to receive the information over a computer network.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 7:

Webcharity, as shown, discloses all of the limitations of claim 6. Webcharity also discloses the following:

- *wherein the financial logistics comprises conducting an auction over the computer network.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 9:

Webcharity, as shown, discloses all of the limitations of claim 1. Webcharity also discloses the following:

- *wherein the system is adapted to provide the shipping logistics by use of at least one geography-based and time-based strategy.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 10:

Webcharity, as shown, discloses all of the limitations of claim 9. Webcharity also discloses the following:

- *wherein the goods are time-sensitive.* [See at least the page entitled Buying: All Categories: Tickets]

Claim 11:

Webcharity, as shown, discloses all of the limitations of claim 10 Webcharity also discloses the following:

- *wherein the goods are event tickets.* [See at least the page entitled Buying: All Categories: Tickets]

Claim 13:

Webcharity, as shown, discloses the following limitations:

- *receiving information at an intermediary computer system from at least one remote seller and at least one remote buyer for providing an online marketplace between the seller and the buyer;* [See at least the page entitled How WebCharity Item Donation Work]

- *presenting a seller interface to a computer of the seller, the seller interface for providing a the seller with available options for the sale and for receiving option selections from the seller prior to listing the one or more goods for sale to prospective buyers, the available options comprising one or more options for donating proceeds from the sale; [See at least the page entitled How WebCharity Item Donation Work]*
- *receiving information from the seller via the seller interface, the information including a description of certain goods, a method of sale for the certain goods, and an option selection including at least a portion of proceeds for donation and an identity of a third party that will receive proceeds from the sale; [See at least the page entitled How WebCharity Item Donation Work]*
- *presenting a listing of the certain goods on behalf of the seller based on the information received from the seller while maintaining seller identity confidential from the prospective buyers; [See at least the page entitled How WebCharity Item Donation Work]*
- *presenting a buyer interface to a computer of the buyer, the buyer interface comprising the listing including the description of the certain goods according to the method of sale; [See at least the page entitled How WebCharity Item Donation Work]*
- *conducting the sale over a computer network; [See at least the page entitled How WebCharity Item Donation Work]*
- *providing financial logistics, including collecting proceeds for the sale from a financial service provider designated by the buyer, deducting a fee for use of the system from the proceeds collected for the sale, and transferring the portion of the proceeds for donation on behalf of the seller according to the*

option selection of the seller to the third party; and [See at least the page entitled How WebCharity Item Donation Work]

- *providing shipping logistics, including arranging for transfer of the one or more goods to the buyer. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 14:

Webcharity, as shown, discloses all of the limitations of claim 13. Webcharity also discloses the following:

- *wherein the goods are event tickets. [See at least the page entitled Buying: All Categories: Tickets]*

Claim 15:

Webcharity, as shown, discloses all of the limitations of claim 14. Webcharity also discloses the following:

- *wherein the third party comprises a charitable or nonprofit entity. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 17:

Webcharity, as shown, discloses all of the limitations of claim 14. Webcharity also discloses the following:

- *wherein the third party is a fundraising entity. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 18:

Webcharity, as shown, discloses all of the limitations of claim 15. Webcharity also discloses the following:

- *providing the charitable or nonprofit entity with information regarding the seller sufficient to allow the entity to generate an acknowledgement for tax reporting purposes. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 19:

Webcharity, as shown, discloses all of the limitations of claim 15. Webcharity also discloses the following:

- *causing an acknowledgement for tax reporting purposes to be provided to the seller. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 20:

Webcharity, as shown, discloses all of the limitations of claim 14. Webcharity also discloses the following:

- *wherein said system is adapted to provide said shipping logistics by use of at least one geography-based and time-based strategy. [See at least the page entitled How WebCharity Item Donation Work]*

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webcharity.

Claim 3:

Webcharity, as shown, discloses all of the limitations of claim 1. With regard to the limitation of *wherein the third party comprises a political action committee.*, Webcharity discloses the third party being a charity (See at least the page entitled How WebCharity Item Donation Work}).

Webcharity does not expressly show:

- o *wherein the third party comprises a political action*

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed the same regardless of the type of third party. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re*

Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the third party to be any type of entity because the type of entity does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Claim 16:

Webcharity, as shown, discloses all of the limitations of claim 13. With regard to the limitation of *wherein the third party comprises a political action committee*., Webcharity discloses the third party being a charity (See at least the page entitled How WebCharity Item Donation Work)).

Webcharity does not expressly show:

- o *wherein the third party comprises a political action*

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed the same regardless of the type of third party. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the third party to be any type of entity because the type of entity does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

17. Claims 8, 12, 21-28, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webcharity in view of Salls (US 2002/0152130).

Claim 8:

Webcharity, as shown, discloses all of the limitations of claim 6. Webcharity does not disclose the following limitation. Salls, however, does disclose the following limitation:

- *wherein the financial logistics comprises conducting a raffle over the computer network.* [See at least the abstract]

It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system of Webcharity with the raffle of Salls because it provides "a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006)."

Claim 12:

Webcharity, as shown, discloses all of the limitations of claim 6. Webcharity also discloses the following limitations:

- *wherein the financial logistics include authorizing an amount of sale on a credit card of the buyer,* [See at least the page entitled How WebCharity Item Donation Work]
- *charging the credit card for the amount of sale,* [See at least the page entitled How WebCharity Item Donation Work]
- *receiving the amount of sale, and* [See at least the page entitled How WebCharity Item Donation Work]
- *transferring at least a portion of the amount of sale to the third party.* [See at least the page entitled How WebCharity Item Donation Work]

Webcharity does not specifically disclose that the payment method is a credit card. Salls, however, does disclose using a credit card to pay for purchased goods, in at

least the abstract. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system of Webcharity with the raffle of Salls because it provides "a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006)."

Claim 21:

Webcharity, as shown, discloses the following limitations:

- *receiving information at an intermediary computer system from a first party and from a plurality of buyers for providing an online marketplace between the first party and the plurality of buyers; [See at least the page entitled How WebCharity Item Donation Work]*
- *presenting a user interface to a computer of the first party for receiving information from a the first party comprising a description of one or more goods offered for raffle, the user interface providing the first party with available options for the raffle including one or more options for donating proceeds from the raffle; [See at least the page entitled How WebCharity Item Donation Work]*
- *receiving an option selection to donate proceeds from the raffle from the first party via the user interface prior to conducting the raffle; [See at least the page entitled How WebCharity Item Donation Work]*
- *donating the proceeds from the raffle tickets to a third party on behalf of the first party in accordance with the option selection of the first party. [See at least the page entitled How WebCharity Item Donation Work]*

Webcharity does not disclose a raffle however. Salls in at least the abstract and paragraphs 0006-0008 does disclose using a raffle to raise money for charity. Salls also discloses the following limitations:

- *receiving requests to purchase raffle tickets from a the plurality of buyers over a computer network;* [See at least Figures 10-13 and related text]
- *receiving identification information from the plurality of buyers;* [See at least Figures 10-13 and related text]
- *creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer;* [See at least Figures 10-13 and related text]
- *selecting a winner at random from the record;* [See at least Figures 10-13 and related text]
- *notifying the winner; and* [See at least Figures 10-13 and related text]

It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system of Webcharity with the raffle of Salls because it provides "a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006)."

Claim 22:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 21. Salls also discloses the following limitations:

- *wherein the winner wins goods provided by the first party.* [See at least Figures 10-13 and related text]

It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the goods provided of Salls because it provides "a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006)."

Claim 23:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 22. Webcharity also discloses the following limitations:

- *wherein the goods comprise event tickets.* [See at least the page entitled Buying: All Categories: Tickets]

Claim 24:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 22. Webcharity also discloses the following limitations:

- *receiving information from the first party, including the identity of the third party that will receive the proceeds of the raffle; and* [See at least the page entitled How WebCharity Item Donation Work]
- *presenting information to the plurality of buyers that proceeds from raffle tickets purchased will be donated to the third party.* [See at least the page entitled How WebCharity Item Donation Work]

Webcharity does not disclose a raffle however. Salls in at least the abstract and paragraphs 0006-0008 does disclose using a raffle to raise money for charity. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the raffle of Salls because it provides "a popular and exciting method for a person or a group of

people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006)."

Claim 25:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 24. Webcharity also discloses the following limitations:

- *wherein the third party is a charitable or nonprofit organization.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 26:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 24. With regard to the limitation of *wherein the third party comprises a political action committee.*, Webcharity discloses the third party being a charity (See at least the page entitled How WebCharity Item Donation Work).

Webcharity does not expressly show:

- *wherein the third party comprises a political action*

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The information collection and storage steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the third party to be any type of entity because the type of entity does not functionally relate to the steps in the method claimed and

because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Claim 27:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 24. Webcharity also discloses the following limitations:

- *wherein the third party is a fundraising entity. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 28:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 25. Webcharity also discloses the following limitations:

- *causing an acknowledgement for tax reporting purposes to be provided to the first party. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 32:

The combination of Webcharity, and Salls, as shown, discloses all of the limitations of claim 21. Salls also discloses the following:

- *wherein the record is created by sequentially assigning numbers to the plurality of buyers based on the number of tickets purchased by each buyer, wherein a winner is selected by generating a random number between one*

and the total number of tickets sold, and wherein the winner is the buyer corresponding to the random number. [See at least figures 1 and 10 and related text.]

It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the winner generation of Salls because it provides "a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006)."

Claim 33:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 21. Webcharity also discloses the following limitations:

- *wherein the winner is notified over the computer network. [See at least the page entitled How WebCharity Item Donation Work]*

18. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webcharity in view of Salls in view of Shakib et al (US 5,752,025), hereinafter Shakib.

Claim 29:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 21. Salls also discloses the creation of a ticket purchaser database in at least Figures 1-9 and related text. The combination of Webcharity and Salls does not disclose *the record is created by entering the plurality of buyers into a spreadsheet.* Shakib, however, in at least Figures 1-2, 5, and related text does disclose

categorizing received information into spreadsheets. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the spreadsheet of Shakib because it easily, quickly, and conveniently allows the individual conducting the raffle to keep the record organized, accurate, and complete.

Claim 30:

The combination of Webcharity, Salls, and Shakib, as shown, discloses all of the limitations of claim 29. Salls also discloses the creation of a ticket purchaser database in at least Figures 1-9 and related text. The combination of Webcharity and Salls does not disclose *wherein each buyer occupies a number of rows in the spreadsheet corresponding to the number of tickets purchased by that buyer*. Shakib, however, in at least Figures 1-2, 5, and related text does disclose categorizing received information into spreadsheets that are organized by like information into rows. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the spreadsheet of Shakib because it easily, quickly, and conveniently allows the individual conducting the raffle to keep the record organized, accurate, and complete.

Claim 31:

The combination of Webcharity, Salls, and Shakib, as shown, discloses all of the limitations of claim 30. Salls also discloses the following:

- o *wherein the step of selecting a winner comprises generating a random number between one and the total number of tickets sold, [See at least figures 1 and 10 and related text.]*
- o *and wherein the winner is the buyer occupying the row in the spreadsheet corresponding to the random number. [See at least figures 1 and 10 and related text.]*

It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the winner generation of Salls because it provides "a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006)." Shakib also discloses matching items in a spreadsheet by corresponding values. It would have been obvious to one skilled in the art at the time of the invention that the winning number that is generated could be compared to the corresponding values in the spreadsheet. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the spreadsheet of Shakib because it easily, quickly, and conveniently allows the individual conducting the raffle to keep the record organized, accurate, and complete.

19. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webcharity in view of Salls in view of Petras et al (US 2001/0047290), hereinafter Petras.

Claim 34:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 33. Salls, as shown above, also discloses notifying a winner of a raffle in at least figure 13 and related text. The combination of Webcharity and Salls does not

disclose *the winner is notified by automatically generating an email to the winner*. Petras, however, in at least paragraph 220 does disclose notification by email. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the notification by email of Petras because it allows the individual who is conducting the raffle to easily and quickly inform the winner of the prize.

Claim 35:

The combination of Webcharity and Salls, as shown, discloses all of the limitations of claim 33. With regard to the limitation of *the winner is notified by automatically generating an instant message to the winner*, Salls, as shown above, also discloses notifying a winner of a raffle in at least figure 13 and related text. The combination of Webcharity and Salls does not disclose notifying the winner electronically. Petras, however, in at least paragraph 220 does disclose notification by email. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the notification by email of Petras because it allows the individual who is conducting the raffle to easily and quickly inform the winner of the prize.

Salls and Petras do not expressly show:

- o *the winner is notified by automatically generating an instant message to the winner.*

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed the same regardless of the type of notification. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32

F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the type of notification to be any type of notification because the type of notification does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- o Kannegiesser – CA 2177448 A1: System for Purchasing with a Discount and/or Rebate Contribution
 - o Ticketmaster Webpage
 - o Stubhub Webpage
 - o Friedman et al – US 2003/0208556: Method and Apparatus for Distribution of Greeting Cards with Electronic Commerce Transaction
 - o Major – US 2002/0174063: Automated Donation Process and System Therefor
 - o Lawrence et al – US 2002/0116215: Method and System for Administrating an On-line Fund-Raising Event
 - o Costin IV et al – US 2002/0049816: System and Method for Raising Funds and Establishing User Affinity Over a Distributed Network
 - o Stein et al – US 5,826,241: Computerized System for Making Payments and Authenticating Transactions Over the Internet

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3692

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Stephanie M. Ziegler** whose telephone number is **571.272.4417**. The Examiner can normally be reached on Monday-Friday, 7:30am-4:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **KAMBIZ ABDI** can be reached at **571.272.6702**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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/Stephanie Ziegler/ Examiner, Art Unit 3692
05 May 2009

/Susanna M. Diaz/

Primary Examiner, Art Unit 3692